


### REMARKS

The sole ground for rejection in the above-identified patent application was a rejection under 35 U.S.C. §103 asserting that the claims of this application were unpatentable over Twisk et al. in view of Teasdale and Jackson and Attie et al. Twisk et al. is a paper published February of the year 2000 and the filing date of the present application is July 21, 2000.

Submitted with this response is a Declaration of Alan D. Attie, inventor of the present patent application and a co-author of the Twisk et al. paper. This is intended to be an In re Katz declaration to establish that the lack of uniformity between the names on the publication and this patent application results from differing criteria used for determining authorship on a paper from inventorship on a patent application. This publication was not “by another” but was by two of the inventors involved in this patent application and is not legally the work “of another.” Since the publication is also not published more than one year before the filing date of the application, it is believed that the submission of this Declaration will obviate the status of the Twisk et al. paper as a reference under 35 U.S.C. §102(a), and therefore obviate the rejection applied by the Examiner against the claims of this patent application.

Wherefore reconsideration of the merits of this patent application in view of the new submission is requested. A separate petition of extension of time and RCE are both submitted herewith so that this response will be considered as timely filed and that the Declaration will be reconsidered on the merits.

Respectfully submitted,



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